Applicants: Abdennour et al.

REMARKS

Upon entry of the present amendment, claims 1-27 are pending in the instant application. Claims 1, 4, 6, 7, 9, 11, 13 and 15 have been amended. Support for the claim amendments presented herein is found throughout the specification and in the claims as originally filed. For example, support for the rigid polymer compositions and/or rigid polymer vehicles recited by amended claims 1, 4, 6, 7, 9 11, 13 and 15 is found at least at page 8, line 27 through page 9, line 10. Accordingly, no new matter has been added the amendments presented herein.

Double Patenting

Claims 1-5, 7, 15-21, 23 and 27 have been rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-13 of U.S. Patent No. 6,712,610 ("the '610 patent").

In conjunction with the response filed July 26, 2005, Applicants previously submitted a terminal disclaimer over the '610 patent, along with the appropriate fee. The Examiner has indicated that the July 26, 2005 terminal disclaimer has not been accepted because "an attorney or agent, not of record, is not authorized to sign a terminal disclaimer in the capacity as an attorney or agent acting in a representative capacity as provided by 37 CFR 1.34". (Office Action, page 2).

Applicants request reconsideration of the rejection of the July 26, 2005 terminal disclaimer and submit that this disclaimer was signed by an attorney of record in this case. The instant application is a continuation of U.S. Application No. 09/963,880, now issued as U.S. Patent No. 6,712,610. In the "Request for Filing a New Nonprovisional Application Under 37 C.F.R. § 1.53(b)" submitted on March 29, 2004, Applicants included a copy of the declaration/power of attorney signed by the named inventors, as well as a copy of the Revocation by Assignee and New Power of Attorney, which were filed in the parent application (*i.e.*, U.S. Application No. 09/963,880). The Revocation by Assignee and New Power of Attorney filed on February 3, 2003 appointed all attorneys and agents associated with Customer No. 30623, Mintz, Levin, Cohn, Ferris, Glovsky and Popeo, P.C., including the undersigned (Ingrid A. Beattie, Reg. No. 42,306), who signed the terminal disclaimer filed on July 26, 2005. Applicants enclose herewith a copy of the following documents as evidence that the undersigned is an attorney of record in the instant application:

U.S.S.N. 10/812,638

Applicants: Abdennour et al.

Copy of the Request for Filing a New Nonprovisional Application Under
 37 C.F.R. § 1.53(b), which lists all papers filed on March 29, 2004, including the
 Declaration and Power of Attorney from Parent Application 09/963,880 and the
 Revocation by Assignee and New Power of Attorney from Parent Application
 09/963,880

- Copies of the Declaration and Supplemental Declarations filed U.S. Application No. 09/963,880
- Copy of the Revocation of Powers of Attorney and Appointment of New Attorneys and/or Agents filed in U.S. Application No. 09/963,880
- Copy of the Express Mail Label No. EV328182377US, date stamped March 29, 2004
- Copy of the return postcard received from the USPTO, which acknowledges
 receipt of all papers filed on March 29, 2004, including the signed Declaration
 (copy, 3 counterparts) and the Revocation by Assignee and New Power (copy,
 11 pages)

Thus, Applicants respectfully submit that the change in power of attorney during the prosecution of parent application 09/963,880 was properly identified in the instant continuation application in compliance with the provisions of 37 C.F.R. § 1.63(d)(4). Accordingly, the July 26, 2005 terminal disclaimer was signed by an attorney of record in the instant application in accordance with the requirements of 37 CFR 1.34. Applicants request, therefore, that the Examiner accept the terminal disclaimer that was previously filed on July 26, 2005 along with the appropriate fees and withdraw the double-patenting rejection.

Claim Objections

Claims 9 and 13 have been objected to because of informalities contained therein. In particular, the Examiner has objected to the terms "the antibiotic" in claim 9 and "the treatment site" in claim 13 as lacking sufficient antecedent basis.

Claims 9 and 13 have been amended to maintain antecedent basis throughout the claims. Accordingly, withdrawal of these objections is requested.

Claim Rejections Under 35 U.S.C. §112, First Paragraph

Claims 1-27 have been rejected under 35 U.S.C. §112, first paragraph as lacking written description. According to the Examiner, the specification does not disclose "a rigid copolymer" vehicle nor rigid copolymer".

Applicants traverse. The pending claims, including independent claims 1, 6, 7, 9, 11 and 13, have been amended to recite a "rigid polymer composition" and/or a "rigid polymer vehicle". Such rigid polymer compositions and vehicles are described throughout the as-filed specification. For example, at page 8, line 27 through page 9, line 10, the specification teaches that the polymers of the claimed invention are selected to have a level of rigidity required to accomplish the aseptic placement of the endodontic fiber within a root canal. Moreover, the specification provides examples of polymer compositions and polymer vehicles that have been sprayed with a biocompatible refrigerant spray to increase the rigidity of those endodontic fibers. Thus, the claim terms are literally supported by the as-filed specification.

In addition, the skilled artisan would understand that the plain meaning of the term "rigid" is "not bending or flexible; stiff and hard". *See e.g.*, Webster's New World College Dictionary, 3rd Ed., 1996, copy enclosed herewith). As such, Applicants submit that the claimed subject matter was described in such a way as to reasonably convey to one skilled in the relevant art that the inventors had possession of the claimed invention at the time the instant application was filed.

For each claimed genus, the Examiner must determine whether there is sufficient written description to inform a skilled artisan that Applicant was in possession of the claimed genus at the time the application was filed. The written description requirement for a claimed genus may be satisfied through sufficient description of a representative number of species by relevant identifying characteristics, *i.e.*, structure or other physical and/or chemical characteristics, by functional characteristics coupled with a known or disclosed correlation between function and structure, or by a combination of such identifying characteristics, sufficient to show the applicant was in possession of the claimed genus. In this case, the specification provided more than a representative number of examples of the structural, physical, and chemical characteristics of a rigid polymer composition of an endodontic fiber. For example, on page 4, lines 1-4, the specification describes fibers containing less than 20%, less than 15%, less than 10%, about 9.3%. To further define the correlation between function and structure, the specification states

that the fiber has rigidity similar to that of gutta-percha, a naturally-occurring polymer that is rigid at room temperature. (See specification at page 17, lines 14-16). In addition to chemically regulating the rigidity by lowering the percentage of polymer compared to earlier flexible, tacky fibers, the specification also states that the rigidity can also be increased by spraying the polymer with a refrigerant spray to increase its stiffness. (See specification at page 13, lines 21-24). One of skill in the art would have no difficulty in understanding how to make a rigid fiber compared to a flexible fiber and the process for manipulating rigidity is entirely predictable. Thus, Applicants submit that there is sufficient written description to inform a skilled artisan that Applicants was in possession of the claimed genus at the time the application was filed.

Accordingly, this rejection should be withdrawn.

Claim Rejections Under 35 U.S.C. §112, Second Paragraph

Claims 1-27 have been rejected under 35 U.S.C. §112, second paragraph as being indefinite. According to the Examiner, the terms "rigid copolymer vehicle" and "rigid copolymer" are unclear.

As described above, the pending claims have been amended to recite a "rigid polymer composition" and/or a "rigid polymer vehicle". Applicants submit that these claim terms are clear and particularly points out the claimed subject-matter which Applicants regard as their invention. As described above, the term "rigid" has a plain meaning that is particular and distinct. Thus, one of ordinary skill in the art would understand that the terms "rigid polymer" and/or "rigid polymer vehicle" signify polymers and vehicles that are devoid or deficient in flexibility. Accordingly, Applicants request that the Examiner withdraw this rejection.

Claim Rejections Under 35 U.S.C. §102(b)

Claims 1-3, 5, 21 and 22 have been rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,892,736 by Goodson ("Goodson"). According to the Examiner, Goodson describes a "fiber comprising a copolymer vehicle having incorporated therein one or more medicaments". (Office Action, page 4).

Independent claim 1 has been amended to recite an endodontic fiber suitable for the local delivery and sustained release of one or more medicaments incorporated therein to an intracanal treatment site, wherein the fiber comprises a <u>rigid</u> polymer vehicle having incorporated therein

one or more medicaments, wherein the fiber has a size and shape suitable for placement in a root canal.

Independent claim 6, as amended, is directed to a modified periodontal fiber suitable for the delivery and sustained release of medicament incorporated therein to an intracanal treatment site, wherein the fiber comprises a <u>rigid</u> polymer vehicle having incorporated therein one or more medicaments, wherein the polymer is treated to decrease its surface tackiness and wherein the fiber has a size and shape suitable for placement in a root canal.

Thus, these amended claims and their respective dependent claims (including claims 2-3, 5, 21 and 22) are directed to <u>rigid</u> fibers having one or more medicaments incorporated therein.

Goodson, in contrast, does not disclose or suggest <u>rigid</u> fibers. Goodson explicitly states that the fibers described therein must be "sufficiently <u>flexible and formable</u> to conform readily to the periodontal site to be treated", *i.e.*, these fibers are soft enough to bend around the perimeter of a tooth to make contact with the gum tissue to be treated. (*See* Goodson at col. 3, lines 32-33). Accordingly, this reference does not disclose every element of the <u>rigid</u> fibers recited by amended claims 1-3, 5, 6, 21 and 22. As such, the claimed rigid fibers are not anticipated by the teachings of Goodson, and this rejection should be withdrawn.

Claim Rejections Under 35 U.S.C. §103(a)

Claim 4

Claim 4 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Goodson in view of U.S. Patent No. 5,114,718 by Damani ("Damani"). According to the Examiner, "it would have been obvious to one having ordinary skill in the art to incorporate medicament of clindamycin to the fiber of Goodson, since Damani discloses both as known antibiotics". (Office Action, page 5).

Claim 4 depends independent claim 1 and, therefore, contains all of the limitations recited by amended claim 1. As described above, claim 1 has been amended to recite an endodontic fiber suitable for the local delivery and sustained release of one or more medicaments incorporated therein to an intracanal treatment site, wherein the fiber comprises a <u>rigid</u> polymer vehicle having incorporated therein one or more medicaments, wherein the fiber has a size and shape suitable for placement in a root canal. Thus, claim 4 is also directed to <u>rigid</u> fibers.

As described above, the Goodson reference does not teach or suggest a rigid fiber. Moreover, the addition of the Damani reference fails to cure the deficiencies in the teachings of Goodson, as Damani does not describe or suggest a rigid fiber. In contrast to the rigid fiber recited by claim 4, the fibers described by Damani are "flexible and solid". (*See* Damani at col. 2, lines 29-31). Thus, Goodson and Damani, alone or in combination, do not teach or suggest a rigid fiber. Accordingly, these references do not render the fibers of the claimed invention obvious. Withdrawal of this rejection is requested.

Claims 7-14 and 23-26

The Examiner has rejected claims 7-14 and 23-26 as being unpatentable over Goodson. According to the Examiner, "one skilled in the art would recognize that the fiber of Goodson is of a size and characteristics sufficient for positioning in a root canal and Goodson shows methods method of localized treatment with the oral cavity." (Office Action, page 5).

Claim 7 has been amended to recite a method for the local delivery and sustained release of a medicament to an intracanal treatment site by (a) obtaining an endodontic fiber suitable for intracanal use having one or more medicaments incorporated therein, wherein said endodontic fiber comprises a rigid polymer; (b) positioning the fiber of (a) in the root canal such that the fiber is in direct contact with the treatment site; and (c) maintaining the fiber at the treatment site, wherein the medicament is delivered to the treatment site at a controlled rate.

As amended, claim 9 is directed to a method of treating an endodontic bacterial infection comprising the steps of (a) obtaining an endodontic fiber suitable for intracanal use having one or more medicaments incorporated therein, wherein said endodontic fiber comprises a rigid polymer; (b) inserting the fiber of (a) into a root canal such that the fiber is in direct contact with a treatment site in the root canal; and (c) maintaining the fiber at the treatment site, wherein the antibiotic is delivered to the treatment site.

Amended claim 11 recites a method of disinfecting a root canal receiving endodontic treatment by (a) obtaining an endodontic fiber suitable for intracanal use having one or more medicaments incorporated therein, wherein said endodontic fiber comprises a rigid polymer; (b) inserting the fiber of (a) into a debrided and irrigated root canal such that the fiber is in direct contact with a treatment site in the root canal; and (c) maintaining the fiber at the treatment site, wherein the medicament is administered to the treatment site at a controlled rate.

Claim 13 has been amended to recited a method of reducing inflammation in periapical tissue of a tooth undergoing endodontic treatment by (a) obtaining an endodontic fiber suitable for intracanal use having incorporated therein an anti-inflammatory agent, wherein said endodontic fiber comprises a rigid polymer; (b) positioning the fiber into a debrided and irrigated root canal such that the fiber is in direct contact with an inflamed tissue in the root canal; and (c) maintaining the endodontic fiber at the treatment site, wherein the anti-inflammatory agent is delivered to the site of inflammation.

Thus, these methods and their respective dependent claims (including claims 8, 10, 12 and 23-26) recite the use of a <u>rigid</u> fiber. As described above, Goodson does not disclose or suggest rigid fibers or methods of using rigid fibers. Moreover, the fibers described by Goodson must be "sufficiently flexible and formable to conform readily to the periodontal site to be treated", *i.e.*, the flexible fiber is soft enough to wrap around the unique geometry of the perimeter of an individual's tooth to ensure contact with the gum tissue to be treated. (*See* Goodson at col. 3, lines 32-33). Thus, Goodson explicitly teaches away from the use of a rigid fiber, and, therefore, a person of ordinary skill in the art would have no motivation from the teachings of Goodson to modify the fibers described therein to generate rigid fibers. As such, the methods of the claimed invention are not obvious over the teachings of the Goodson reference, and this rejection should be withdrawn.

Claims 15-20 and 27

Claims 15-20 and 27 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Goodson in view of U.S. Patent No. 4,003,810 by Hoyt et al. ("Hoyt"). According to the Examiner, it would have been "an obvious matter of choice to one of ordinary skill in the art as to the specific amount of a known material and as to its intended use". (Office Action, page 6).

Applicants traverse this rejection on the grounds that the Examiner has failed to establish a prima facie case of obviousness. A *prima facie* case of obviousness requires some suggestion or motivation, either in the references themselves or in the knowledge generally available in the art, to modify the reference or to combine reference teachings. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991). See also MPEP 706.02(j).

Applicants: Abdennour et al.

Claims 15-20 and 27 depend, directly or indirectly, from independent claim 1 and, therefore, contain all of the limitations recited by amended claim 1. As described above, claim 1 has been amended to recite an endodontic fiber suitable for the local delivery and sustained release of one or more medicaments incorporated therein to an intracanal treatment site, wherein the fiber comprises a rigid polymer vehicle having incorporated therein one or more medicaments, wherein the fiber has a size and shape suitable for placement in a root canal. Thus, claims 15-20 and 27 are also directed to <u>rigid</u> fibers having one or more medicaments incorporated therein, wherein the fiber comprises an ethylene vinyl acetate copolymer comprising less than 20% vinyl acetate by weight.

As described above, Goodson does not disclose or suggest rigid fibers or methods of using rigid fibers. Moreover, this reference does not disclose or suggest fibers that comprise an ethylene vinyl acetate copolymer having less than 20% vinyl acetate by weight. In contrast to the fibers recited by claims 15-20 and 27, the Goodson fibers contain 45% vinyl acetate by weight. As Goodson explicitly requires that the fibers are "sufficiently flexible and formable to conform readily to the periodontal site to be treated" (col. 3, lines 32-33), a person of ordinary skill in the art would not have been motivated by the teachings of Goodson to modify the fibers described therein to produce rigid fibers. Thus, one of ordinary skill in the art would have no motivation to combine the Goodson fibers with the fibers described in the Hoyt reference.

The fact that references can be combined or modified does not render the resulting combination obvious unless the prior art also suggests the desirability of the combination. (See MPEP §2143.01, citing In re Mills, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990)). However, there is no suggestion in the Goodson reference that would motivate a skilled artisan to modify the fibers described therein to contain less than 20% EVA to produce a rigid fiber. Thus, the fact that the Goodson and Hoyt references can be combined is not sufficient to establish a *prima facie* case of obviousness.

Moreover, an assertion that modifying the Goodson reference would have been within the ordinary skill of the art at the time the claimed invention was made because the cited references were individually known in the art at the time the instant application was filed is also insufficient to establish a *prima facie* case of obviousness without some objective reason to combine the references. (See MPEP §2143.01, citing *Ex parte Levengood*, 28 USPQ2d 1300 (Bd. Pate. App. & Inter. 1993)). Thus, the fact that the Goodson and Hoyt references were known in the art

U.S.S.N. 10/812,638

Applicants: Abdennour et al.

individually at the time the instant application was filed does not render the claimed fibers obvious, as there is no teaching or suggestion in the Goodson reference that would motivate one of ordinary skill in the art to modify the fibers described therein.

Accordingly, Applicants submit that the Examiner has failed to establish a *prima facie* case of obviousness, and this rejection should be withdrawn.

CONCLUSION

On the basis of the foregoing amendments and remarks, Applicants respectfully submit that the pending claims are in condition for allowance. If there are any questions regarding these amendments and remarks, the Examiner is encouraged to contact the undersigned at the telephone number provided below.

Respectfully submitted,

Ingrid A. Beattie, Reg. No. 42,306

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TRA 2102338v.1

WEBSTER'S NEW WORLD COLLEGE DICTIONARY

THIRD EDITION

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Webster's New World™ College Dictionary, Third Edition
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Macmillan General Reference A Simon & Schuster Macmillan Company 1633 Broadway New York, NY 10019-6785

A Webster's New World™ Book

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Dictionary Editorial Offices: New World Dictionaries 850 Euclid Avenue Cleveland, Ohio 44114

Library of Congress Cataloging-in-Publication Data

Webster's New World college dictionary / Victoria Neufeldt, editor in chief, David B. Guralnik, editor in chief emeritus. — 3rd ed.

"This book was previously titled: Webster's New World dictionary of American English. Third college edition."

ISBN 0-02-860333-8 (thumb-indexed). — ISBN 0-02-860332-X (plain)
1. English language—Dictionaries.
II. Guralnik, David Bernard, 1920- III. Webster's New World dictionary of American English.

PE1628.W5633 1995 , 423—dc20

95-15819 CIP

ISBN 0-02-860334-6 (leatherkraft). — ISBN 0-02-860586-1 (leather)

Database service and principal typesetting by Lexi-Comp, Inc., Hudson, Ohio. Manufactured in the United States of America 2 3 4 5 6 7 8 9 10 96 97 98 99

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Dictio

Speci. Forev

Webst Tab Bea Boo

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The In Editor Mar Itali Nun Cap

Abb Sour Specia

rigatoni (rig'a to'në) n. [It, pl. < rigato, pp. of rigare, to mark with lines < riga, line] short, thick, ridged tubes of pasta

Rigel (ri'jal, -gal) [Ar riji, foot: so called because in the left foot of Orion] a supergiant, multiple star, usually the brightest star in the constellation Orion, with a magnitude of 0.14; See BETELGEUSE.

rig-ger, (rig'er) n. a person who: rigs; specif., a) a person who works with hoisting tackle and the like b) a person whose work is assembling the fuselage, wings, etc. of aircraft c) a person who packs parachute assemblies d) a person who works with an oil rig ring ning (in) n. 1 the ropes: chains, and other gear used to support,

rigging (-in) n. 1 the ropes; chains, and other gear used to support, position, and control the masts, sails, yards, etc. of a vessel. *2

equipment; gear right (rit) adj. [ME < OE, riht, straight, direct, right, akin to Ger recht < IE base *red-, straight, stretch out; put in order > RICH, RECKON, L regere, to rule, rex, king, regula; a rule 1 orig., not curved; straight: now only in mathematics [a right line] 2 a) formed curved; straight: now only in mathematics [a right line] 2 a) formed by, or with reference to, a straight line or plane perpendicular to a base [a right angle] b) having the axis perpendicular to the base [a right cylinder] 3 in accordance with justice, law; morality, etc.; upright; virtuous [right conduct] 4.a) in accordance with fact, reason, some set standard, etc.; correct; true [the right answer] b) correct in thought, statement, or action [to be right in one's answer] son, some set standard, etc.; correct; true. [the right answer]. b) correct in thought, statement, or action [to be right in one's answer]. 5 a) fitting; appropriate; suitable b) most convenient or favorable c) reputable; approved [she associates with the right people] 6 designating the side, surface, etc. meant to be seen; designating the finished; principal, or upper side or surface [the right side of cloth] 7 a) sound; normal [in one's right, mind]. b) mentally sound or normal; sane [not quite right] 8 having sound health or good spirits 9 in a satisfactory condition, or in good order [to make things right again] 10 a) designating or of that side of one's body which is toward the east when one faces north, the side of the more-used hand in most people b) designating or of the corresponding side of anything c) closer to the right side of a person directly before and facing the thing mentioned or understood [the top right drawer of a desk]. 11 of the side or bank of a river on the right of a person facing downstream 12. of the political right; conservative or reactionary 13 [Archaic] not spurious or sham; genuine; real —n. 1 what is right, or just, lawful, morally good, proper; correct, etc. 2 a) that which a person has a just claim to; power, privilege; etc. that belongs to a person by law; nature, or tradition [the right of free speech] b) [often pl.] an interest in property, real or intangible (cf. copyright). 3 the true or correct report, as of a happening: with the A a) all or which a person has a just claim to; power, privilege; etc. that belongs to a person by law, nature, or tradition (the right of free speech) b) [often pl.] an interest in property, real or intangible (cf. copyrught) 3 the true or correct report, as of a happening: with the 4 a) all or part of the right side b) what is on the right side c) a direction or location on the right side (often with the) d) a turn toward the right side (take a right at the fork). 5 Boxing a) the right hand b) a blow delivered with the right hand 6 Finance a) the privilege given to a company's stockholders of buying shares in a new issue of stock, usually at a price below the current market price b) the negotiable certificate indicating this privilege 7.[often R-] Politics a conservative or reactionary position, esp. one varying from moderate capitalism to fascism, or a party or group advocating this; often with the: from the position of the seats occupied in some European legislatures—adv. [ME < OE rihte] 1 in a straight line; straight; directly (go right home] 2 a) properly; fittingly b) favorably, conveniently, or well 3 completely; thoroughly [soaked right through his coat] 4 exactly; precisely fright here, right now] \$\preceq\$5 so without pause or delay; immediately [come right down] 6 according to law, justice, etc.; in an upright way 7 correctly or accurately 8 on or toward the right hand or side 9 very; extremely [to know something right well]: colloquial except in certain titles [the right honorable, the right nord; serverend]—interf, agreed 1 understandl. OK!—vt. 1 to put in or restore to an upright or proper position [to right a capsized boat] 2 to correct; make conform with fact, etc. 3 to put in order; set right [to right a room] 4 to do justice to (a person); make amends to 5 to make amends for (a wrong, etc.); redress or avenge—vl. to get into or resume an upright or proper position—by right (or rights) in justice, properly—in one's own right through one's own authority, ability, etc.; without dependence on another or othe

justice; properly—in one's own right through one's own authority, ability, etc.; without dependence on another or others—in the right on the side supported by truth, justice, etc.—right away (or off) without delay or pause; at once—*right on! [Slang]: precisely! exactly! that's right! an exclamation of approval or encouragement—to rights [Colloq:] in or into good or proper condition or order right a|bout (rit's bout') n. 1 RIGHTABOUT-FACE 2 the direction opposite, as faced after turning completely about —adv., adj. with, in, or by a rightabout-face.

rightia|bout-face (-fas') n. 1 a turning directly about so as to face in

rightialbout-face (-fas') n. 1 a turning directly about so as to face in the opposite direction 2 a complete reversal of belief, conduct, etc.—interi. a military command to perform a rightabout-face right angle an angle of 90 degrees; angle made by the meeting of two straight lines perpendicular to each other: see ANGLE!, illus. right-angled (rit'an'gald) adj. having or forming one or more right angles; rectangular: also right'-an'gle right ascension Astron. the angular distance of the hour circle of a releastial body from the vernal equinox, measured eastward along the celestial equator and expressed in degrees (from 0 to 360) or, more commonly, in hours (from 0 to 24), minutes, and seconds Abbrev. RA See DECLINATION (sense 6) RA See DECLINATION (sense 6) right brain the right cerebral hemisphere of the human brain, which

right brain the right cerebral hemisphere of the human brain, which includes areas associated with abstraction, artistic ability; and emotional response; popularly regarded as the center of creativity and imagination—right-brain' adj.—right-brained' adj.

right eous (ri'chas) adj. [altered, by analogy with adjs. in .Eous < ME rihtwis < OE: see Right & .wiss] 1. acting in a just, upright manner; doing what is right; virtuous [a.righteous man] 2. morally right, fair and just [a.righteous act] 3 morally justifiable [full of

grighteous anger/ *4 [Slang] good, excellent, satisfying pleasant, authentic, etc. —SYN. MORAL —night eously adv. —night eous

ness n.

*right field 1 Baseball the right-hand part of the outfield (as viewed from home plate) 2 the position of the outfielder stationed their right-ful. (rit-fal) adj. 1 fair and just; right 2 having a just-lawful claim, or right [the rightful owner] 3 belonging or owned by justor lawful claim, or by right [a rightful rank] 4 proper for fitting 5 [Now Rare] righteous; virtuous — rightful adv. — rightful resist, right-hand (rit-hand) adj. 1 being on or directed toward the right 2 of, for, or with the right hand 3 most helpful or reliable [the president's right-hand man] 4 plain-laid

of, for, or with the right hand 3 most helpful or rehable [the president's right-hand man]. 4 plain-laid right-hand med. 4 plain-laid than; and in preference to, the left 2 done with the right hand; and in preference to, the left 2 done with the right hand; a made for use with the right hand 4 designating one who swings a bat, club, etc. leftward 5 turning left to right; worked by clockwise motion 6 DEXTRAL (sense 3) —adv. 1 with the right hand [10 throw right-handed] 2 in such a way that the bat, club, etc. swings leftward —right-hand/edly adv. —right-hand/edlessin; 2 right-hand/edlessin; 2 right-hand/edlessin; 3 right-hand/edlessin; 4 right-hand/edlessin;

right heart the half of the heart, containing the right ventricle and right atrium, which supplies dark-red, oxygen-deficient venous blood to the lungs for oxygenation right ist (rit ist) n a person whose political position is conservative or

garasa (rt. 181) ii. a person whose pointed position is conservative or reactionary, member of the right —adj. conservative or reactionary

rightly (rit'le) adv. [see Right & -i.y2] 1 with justice fairly 2 properly; suitably, fitly 3 correctly right-minded (rit'min'did) adj. thinking or believing what is right,

naving correct views or sound principles—right-mind/edly adv.—right-mess (rit nis) n. 1 soundness of moral principles; integrity 2 agreement with truth or fact; correctness 3 appropriateness; suitability

righto (rit'o, ri'to') interj. [Chiefly Brit., etc.] yes; certainly An excla-

nighto (rit'o, ri'to') interi. [Chiefly Brit., etc.] yes, certainly An exclamation of affirmation or assent right of search the right of a nation at war to stop the merchant ships of neutral nations on the high seas and search them for contraband or the like, the finding of which makes the ship liable to seizure right of way 1 the right, established by common or statutory law, of one ship, automobile, etc. to cross in front of another; precedence in moving, as at intersections 2 right of passage, as over anothers property 3 a route that it is lawful to use *4 a) a strip of land used by a railroad for its tracks b) land over which a public mad, an electric power line, etc. passes Also right-of-way n. erght-to-life (rit'to lif') adj. designating or of any movement, political party, etc. opposed to abortion, esp. legalized abortion—right'to-work (rit'to work') adj. designating or of laws or legislation *right-to-work (rit'to work') adj. designating or of laws or legislation

right-to-work (rit'te wark') adj. designating or of laws or legislation

prohibiting the union shop right triangle a triangle with a right angle right value (rit/word) adv., adj. on or toward the right Also right.

wards acv. right whale [reason for name uncert.] any of a family (Balaenidae) of large-headed whalebone whales lacking a dorsal fin and longitudinal wrinkles on the throat and chest right wing [see RIGHT, n. 7] the more conservative or reactionary section of a political party or group —right wing adjumped.

rigidi-fi-ca'tion n.

rigma-role (rigma-rol') n. [altered < ragman roll < ME-rageman rolle, a long list or document] 1 foolish or incoherent minbling talk; nonsense 2 a foolishly involved, fussy, or time-wasting procedure rigior (rig'sr; for 4 & 5, also ri'gor) n. [ME < MF-rigieur. < Lrigor or rigere: see RIGID] 1 harshness or severity; specif., a) strictnes or inflexibility (the rigor of martial law) b) extreme hardship or difficulty (the rigors of life) c) inclemency, as of weather 2 exactness in precision or accuracy; exactitude 3 a severe, harship or difficulty (the rigors of life); specif., a condition of rigidity in body act, etc. 4 stiffness; rigidity; specif., a condition of rigidity in body at such as the condition of rigidity in body at the condition of rigidity in the condition of rigidity in body at the rigid media at the condition of rigidity in the condition of rigid in the c

rigor ism (rig'ər iz'əm) n. [Fr rigorisme] strictness or severity, asi n way of living, religion, moral code, artistic style; etc.—ig'orist n rigor mor tis. (rig'ər mör'tis, ri'gör) [ModL, stiffness of death] the progressive stiffening of the muscles that occurs several hours after death as a result of the coagulation of the muscle protein rigorous (rig'er əs) adj. [OFr < ML rigorosis] 1.very strict of rigorous rule; master, etc.] 2. very severe or sharp la rigor ous climate/ 3. rigidly precise; thoroughly accurate or exact [rigorous ous scholarship)—rig'orously adv.—ig'orousness n ous scholarship)—rig'orously adv.—ig'orousness n veda, knowledge: see wise! I the oldest longest book of the Hindu veda, knowledge: see wise! I the oldest longest book of the Hindu veda, containing over 1,000 hymns
Rils (rés), Jacob August 1849-1914; U.S. journalist & social reformer.

born in Denmark

Rijeka (re yek'a) seaport in W Croatia on the Adriatic pop. 193,000

Rijn (ran) Du. name of RHINE

fist ta fel or rijs ta fel (ris'tä'fel) n. OFT ris, RICE) + tafel, table < MDu t of foods and sauces in side dis is wijk (ris'vik'; Du rās'vāk') town in Hague: pop. 49,000 He (ril) vt. riled, riling [var. of ROIL]

janger, irritate Hey (ri'le), James Whit comb (hwit' Hievo (rē lye'vô) n., pl. -wi (-vē) [It Rīke (ril'ka), Rainer Marija (ri'nar

le or rill (ril) n. [Ger rille, a groove, any of several long, narrow trenches

Met (ril'it) n. [dim. of RILL] a tiny ril plettes (ri lets'; Fr re yet') n.pl. bits esp. of pork, cooked with seasonings, ded, then preserved in fet for ies, of pork, cooked with seasonings, and then preserved in fat for use as a min (rim) n. [ME rime < OE rima, e ridge < IE base *rem-, to support, n (the stands still, rests] 1 an edge, bc

thing circular; often, a raised or projecter, circular part of a wheel b) the wheel of an automotive vehicle, on wh RAMB (n. 3e) 4 Basketball the met littached —vt. rimmed, rimming 1 ground 2 to roll around the rim of [th SYM. BORDER — rim'less adj. Imbaud (ram bô'; Fr ran bô'), (Je

\$1854-91; Fr. poet me¹ (rim) n., vt., vi. rimed, rim'ing [

inically correct: see RHYME RHYME of me' (rim) n. ME < OE hrim, akin to butly > OE hrinan, to touch FROST boost with rime me riche (rem resh') pl. rimes riche

myme | rhyming of words or syllable symel rhyming of words or synamic relied alike but differing in meaning, timfire (rim'fir') adj. designating a ce he rim of the base Cf. centerfire ship (rim's në; It rë'më në') seaport op. 128,000

Mose (ri'mös, ri mös') *adj.* [L rimosi bee 'rei-, to slit, cut > RIVE, REAP] fi is Also ri'mous (-məs) — ri'moselly

pple (rim'pal) n., vt., vi. -pled, -plin hympel, akin to MDu, MLowG rim; mikle; rumple; crease mrock (rim'räk') n. rock forming th

me or precipice Tsky-Kor|sa|kov (rim'skē kôr'sə k kô li' än drya'ye vich) 1844-19(m'ski-Kor'jsajkoff'

I (fim'é) adj. rim'ji er, rim'ji est cove uind) n. [ME rinde < OE rind, rind i, thick, hard or tough natural outer prefruit, or orange 2 any outer layer i, these or bacon — SYN, SKIN METDAST (SIM) A. SKIN

Epest (rin'dər pest') n. [Ger rin.]
E base *ker-, head, HORN) + pest,
d disease of cattle and, often, sheel and by hemorrhagic inflamma membrane of the alimentary command (rin'hart'), Mary Roberts 18 tiler & playwright

fied impression on the hearer [pr a bell or bells to sound, esp. as a s sound loudly or be full of sound; be with laughter/ 5 to have a sensa aid of the ears or head -vt. 1 to and (a peal, knell, etc.) by or as b proclaim, announce, summon, et the hours 4 to test (coins, etc. to test (coms, etc.)
on something hard 5 to call by
to substitute (orig. a racehorse
the sound of a bell 2 a) any
b) any loud sound, esp. wh erated 3 the characteristic sound he ring of sincerity/ 4 a set of bel a telephone call: chiefly in give s the curtain 1 to signal for a the something —ring in (or out) 2 to usher in (or out) — ring the curtain to hitting the orig. in allusion to hitting the ring in target shooting —ring amount) on a cash register

or a theater curtain to be raised

Express Mail Label No.: EV328182377US

2 Date of Deposit: March 29, 2004

Attorney Docket No. 25669-014 CIP CON

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

FIRST-NAMED INVENTOR OR

Mario Abdennour et al.

APPLICATION IDENTIFIER:

FOR:

CHARACTERIZATION OF AN ANTIBIOTIC IMPREGNATED DELIVERY SYSTEM AS AN INTRACANAL MEDICAMENT IN

ENDODONTIC THERAPY

MAIL STOP PATENT APPLICATION Commissioner for Patents P. O. Box 1450 Alexandria, VA 22313-1450

REQUEST FOR FILING A NEW NONPROVISIONAL APPLICATION **UNDER 37 C.F.R. §1.53(b)**

- This is a request for filing a continuation patent application under 37 C.F.R. §1.53(b). 1. This application is a continuation of USSN 09/963,880, filed September 26, 2001, which claims priority of 60/240,004, filed October 12, 2000, and is a continuation-in-part of USSN 009/540,088, filed March 31, 2000, which claims priority to USSN 60/127,497, filed April 2, 1999 and Foreign Application No. CA 2343471, filed March 30, 2001.
- 2. Specification and Drawings (Total pages: 35); Specification (21 pages); Claims (3 pages); Abstract (1 page); and Drawings: 10 sheets (Figures 1 - 10)
 - \boxtimes Formal
- Declaration and Power of Attorney 3. (Copy from Parent Application 09/963,880) (3 counterparts, 3 pages, total of 9 pages)
 - \boxtimes Signed
- Revocation By Assignee And New Power of Attorney 4. (Copy from Parent Application 09/963,880) (11 pages)
- Information Disclosure Statement Form PTO-1449 5. (Copy from Parent Application 09/963,880) (3 pages)

SUCCESPTB2673

U.S.S.N.: TBA

Filed: March 29, 2004

6. Fee Calculation

CLAIMS AS FILED						
Claims	Number Filed	Basic Fee Allowance	Number Extra	Rate	Basic Fee 37 C.F.R.	1.16(a) 770.00
Total Claims (37 C.F.R. 1.16(c))	20	-20 =	0	\$18.00	\$. 0
Independent Claims (37 C.F.R. 1.16(b))	7	- 3 =	4	\$86.00	\$	344.00
Mu ltiple Dependent Claim(s), if any (37 C.F.R. 1.16(d))	0			\$290.00	\$	0
				SUBTOTAL:	\$	1,114.00
		Reduction by 5	0% for filing	by small entity:	\$	557.00
				TOTAL FEE:	\$	557.00

- 7. A check (#18367) in the amount of \$557.00 is enclosed. The Commissioner is authorized to charge any additional fees due, or credit overpayments, to Deposit Account No. 50-0311, Ref. No. 25669-014 CIP CON.
- 8. The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Account No. 50-0311, Ref. No. 24299-508-CON3:

Fees required under 37 C.F.R. §1.16; Fees required under 37 C.F.R. §1.17; Fees required under 37 C.F.R. §1.18.

9. Return Receipt Postcard Enclosed.

Respectfully submitted,

Dated: March 29, 2004

Ingrid A. Beattie, Reg. No. 42,306

Janine M. Susan, Ph.D., Reg. No. 46,119

Attorneys for Applicants

MINTZ, LEVIN, COHN, FERRIS, GLOVSKY and POPEO, P.C.

One Financial Center

Boston, Massachusetts 02111

Tel: (617) 542-6000

Fax: (617) 542-2241 Customer No. 30623

TRA 1902639v1

JAN 0 - 2006

JAN 0 - 2006

JAN 0 - 2006

JAN 0 - 2006

THE UNITED STATES PATENT AND TRADEMARK OFFICE

Supplemental Declaration for Patent Application

As a named inventor, I hereby declare that:

My residence, mailing address and citizenship are as stated next to my name;

I believe I am the original, first and sole inventor (if only one name is listed) or an original, first and joint inventor (if plural names are listed in the signatory page(s) commencing at page 3 hereof) of the subject matter which is claimed and for which a patent is sought on the invention entitled

Characterization of a	an Antibiotic Impregnate	d Delivery System as an Intracanal	Medicament i	n Endodoi	ntic Therar
the specification of v	which (check one)				•
is attached	hereto.				
[X] was filed or	September 26, 2001 a	s United States Application			
Number No	09/963.880				
and was am	ended on	_ (if applicable).			
I hereby stanchuding the claims,	te that I have reviewed an as amended by any amen	nd understand the contents of the ab	oove-identified	l specifica	tion,
1.56, including for o	continuation-in-part appli	nformation which is material to pate ications, material information which ional or PCT international filing da	became avail	lable betw	een the
or patent or inventor ountry other than the my foreign application	's certificate, or 365(a) or E United States of Americ on for patent or inventor's E application on which pr	its under 35 U.S.C. 119(a)-(d) or 36 fany PCT international application ca, listed below and have also ident a certificate, or of any PCT internationity is claimed: rior Foreign Application(s)	which designated below. by	ated at lea y checking on having Cert	st one
2343471	Canada	30 March 2001	_ []	r 1	[X]
lumber)	(Country)	(Day/Month/Year filed)	L J	[]	[A]
Jumber)	(Country)	(Day/Month/Year filed)	_ []	[]	[]
lumber)	(Country)	(Day/Month/Year filed)	_ []	[]	[]
nereby claim the ben	efit under 35 U.S.C. §11	9(e) of any United States provision	al application((s) listed b	elow.
60/240.004		October 12, 2000	•		
pplication Number)		(Filing Date)			
pplication Number)		(Filing Date)			· · ·



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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I believe I am the original, first and sole inventor (if only one name is listed) or an original, first and joint inventor (if plural names are listed in the signatory page(s) commencing at page 3 hereof) of the subject matter which is claimed and for which a patent is sought on the invention entitled

Charae	cterization of an A	ntibiotic Impregnated	d Delivery System as an Intracanal M	<u>ledicar</u>	nent i	n En	dodo	ntic Therap
the spe	ecification of which	n (check one)			 :			
[]	is attached heret							
[X]	was filed on Se	otember 26, 2001 a	s United States Application					
- ₁ -	Number No. 09	,	- Omite Dates ripphenden					
		d on	(if applicable)					
includi	ing the claims, as a	nended by any amer	nd understand the contents of the aboudment referred to above.	ve-ide	ntified	spec	cifica	tion,
§1.56, filing d applica	late of the prior app	uuauon-in-dari abbii	aformation which is material to patent ications, material information which ional or PCT international filing date	hecam	FOUR A	ahla	h	
any for	other than the United application for	itted States of Americ	its under 35 U.S.C. 119(a)-(d) or 365 f any PCT international application vea, listed below and have also identificate, or of any PCT internation iority is claimed:	vhich d	lesigna	ated a	at lea	st one
		. <u>Pr</u>	rior Foreign Application(s)	N	ority ot imed			ified Filed? NO
23 Numbe	43471 er)	Canada (Country)	30 March 2001 (Day/Month/Year filed)	. [].	Į]	[X]
Numbe	er)	(Country)	(Day/Month/Year filed)]	[]	[]
Numbe	rr) .	(Country)	(Day/Month/Year filed)	. []	[]	[]
hereby	claim the benefit t	ınder 35 U.S.C. §11	9(e) of any United States provisiona	l applic	cation(s) lis	ited b	elow.
A	60/240,004		October 12, 2000					
Арриса	ation Number)		(Filing Date)				·	'
Applica	ation Number)		(Filing Date)					

I hereby claim the benefit under 35 U.S.C. 120 of any United States application(s), or 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. 112, I acknowledge the duty to disclose information known by me to be material to patentability as defined in 37 C.F.R. 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

09/540.088		March 31, 2000	Pending
(Application Serial No.)		(Filing date)	(Status: patented, pending, abandoned)
(Application Serial No.)		(Filing date)	(Status: patented, pending, abandoned)
(Application Serial No.)	· .	(Filing date)	(Status: patented, pending, abandoned)
(Application Serial No.)		(Filing date)	(Status: patented, pending, abandoned)
As a named inv Hamilton, Brook, Smit 9133, Customer No.	h & Reyn	ereby appoint the attorner olds, P.C., 530 Virgini	eys and/or agents associated with a Road, P.O. Box 9133, Concord, Massachusetts 01742-
and			
to prosecute this applica	tion and to	transact all business in	the Patent and Trademark Office connected therewith.
Please send corresp	ondence t	o:	
[X] Customer No.		21005 HAMILTON, BROC 530 Virginia Road P.O. Box 9133 Concord, MA 01742	OK, SMITH & REYNOLDS, P.C.
[] Address as follo)ws:		
Direct telephon	e calls to:	Lisa M. Treannie, Esq	Telephone No.: 978-341-0036
Direct facsimile	s to:	Lisa M. Treannie, Esq	1. Facsimile No.: 978-341-0136
on information and belied that willful false statement	f are belie nts and the Inited Stat	ved to be true; and furth e like so made are punis es Code and that such w	of my own knowledge are true and that all statements made her that these statements were made with the knowledge shable by fine or imprisonment, or both, under Section willful false statements may jeopardize the validity of the
Full name of sole	~~~~ <u>*</u>		
or first inventor	Mario A	Abdennour	·
Inventor's Signature	•	M/ and	Date 1/30/2002
Residence	12 Kipp		
0		, MA 02468	
Citizenship		-1	
Mailing Address	same as	above	

Full name of second joi	int	· • • • • • • • • • • • • • • • • • • •
inventor, if any		
Inventor's Signature	1 1 1 Shalles	Date 1/23/02
Residence		
	Medfield, MA 02052-1929	
Citizenship	U.S.A.	
	same as above	
Full name of third joint		
	Michele Scrime	
Inventor's Signature		Date <u>4/15/02</u>
	28 Princeton Drive	
	Manalapan, NJ	
Citizenship	U.S.A.	
	same as above	
Full name of fourth join	at	
inventor, if any	Jack Gilad	
Inventor's Signature	Glenland	Date 2-/-02
Residence	18 Glendale Road, #1	
Citizenship	Canada	
Mailing Address	same as above	
Full name of fifth joint		
inventor, if any	Max Goodson	
Inventor's Signature	i My goodson	Date 1- 13-02
Residence	36 Fresh Pond Place	<u> </u>
	Cambridge, MA 02138	
Citizenship	U.S.A.	
Mailing Address	same as above	·

I hereby claim the benefit under 35 U.S.C. 120 of any United States application(s), or 365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. 112, I acknowledge the duty to disclose information known by me to be material to patentability as defined in 37 C.F.R. 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

09/540.088		March 31, 2000	Pending
(Application Serial N	10 ⁻)	(Filing date)	(Status: patented, pending, abandoned)
		•	
(Application Serial N	lo.)	(Filing date)	(Status: patented, pending, abandoned)
			,
(Application Serial N	lo.)	(Filing date)	(Status: patented, pending, abandoned)
	•		
(Application Serial N	lo.)	(Filing date)	(Status: patented, pending, abandoned)
As a named Hamilton, Brook, Si 9133, Customer N	nith & Reynol	eby appoint the attorneys ids, P.C., 530 Virginia	s and/or agents associated with Road, P.O. Box 9133, Concord, Massachusetts 01742-
and	2,000,		
			,
to prosecute this appl	ication and to t	ransact all business in th	e Patent and Trademark Office connected therewith.
Please send corre	spondence to:		
[X] Customer N	0.	21005	
	3	HAMILTON, BROOK	, SMITH & REYNOLDS, P.C.
•		530 Virginia Road P.O. Box 9133	
•		Concord, MA 01742-91	133
or			
[] Address as fo	ilows:		·
			•
Direct telepho	one calls to: <u>I</u>	isa M. Treannie, Esq.	Telephone No.: 978-341-0036
Direct facsim	iles to:L	isa M. Treannie, Esq.	Facsimile No.: 978-341-0136
			2 2002222 710 770 341-0130
that willful false statem 1001 of Title 18 of the application or any pate	uents and the lil United States of the reconstruction	to be true; and further the so made are punishab Code and that such willfing.	y own knowledge are true and that all statements made hat these statements were made with the knowledge le by fine or imprisonment, or both, under Section ul false statements may jeopardize the validity of the
Full name of sole			
or first inventor	Mario Abd	ennour	
Inventor's Signature			
Residence	12 Kippy D	_i_	
		A 02460	
Citizenship			
Mailing Address	· same as ab	21/0	
	Same as ab	JVC	

Full name of second	joint	
inventor, if any	Philip Stashenko	
Inventor's Signature_		Date
Residence	10 Newport Lane	
	Medfield, MA 02052-1929	
Citizenship	U.S.A.	
Mailing Address	same as above	
Full name of third join	nt	
inventor, if any	Michele Scrime	
Residence	28 Princeton Drive	
	Manalapan, NJ	
Citizenship	U.S.A.	
Mailing Address	same as above	
Full name of fourth jo	int	
inventor, if any	Jack Gilad	
Inventor's Signature		Date
Residence	18 Gleniand Road, #1	
	Chestnut Hill, MA 02167	
Citizenship	Canada	
Mailing Ad dre ss <u> </u>	same as above	
Full name of fifth joint		
inventor, if any	J. Max Goodson	
nventor's Signature	i must a good son	Date <u>Oct 22, 100</u> 2
Residence	5 26 Fresh Pond Place	
	Cambridge, MA 02138	
Citizenship	U.S.A.	



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Supplemental Declaration for Patent Application

As a named inventor, I hereby declare that:

My residence, mailing address and citizenship are as stated next to my name;

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<u>Characteriz</u>	zation of an An	tibiotic Impregnate	ed Delivery System as an Intracanal	Medic	ament i	in Er	dodo	ntic '	Therap
the specific	ation of which	(check one)	-						
is:	attached hereto) .		•					
[X] wa	s filed on <u>Ser</u>	otember 26, 2001 a	as United States Application						
	ımber No. <u>09/</u>		••						
and	d was amended	on	(if applicable):						
Ιh	ereby state that	. I have reviewed as	nd understand the contents of the ab	ove-id	entified	i spe	cifica	tion,	
Yr.Jo. miciai	ame for comin	แสนบบ+เท-ทสน วททบ	nformation which is material to pater ications, material information which ional or PCT international filing date	L			•		
country other	r than the Unite	ed States of Americ patent or inventor's cation on which pr	its under 35 U.S.C. 119(a)-(d) or 36. f any PCT international application ca, listed below and have also identic certificate, or of any PCT internationally is claimed: ior Foreign Application(s)	which fied be onal ap Pri	design	ated y che on h	at lea	st on g the a fil ified Filed	e box, ing
234347	1	Canada	30 March 2001	_ []	ſ]	F	Χĵ
Number)		(Country)	(Day/Month/Year filed)	→ .	j	Ţ	J	Ł-	Λ.]
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Number)		(Country)	(Day/Month/Year filed)	_ []	[]	[] .
		der 35 U.S.C. §119	9(e) of any United States provisiona	l appli	cation(s) lis	ted b	elow	·.
60/24 Application 1	40.004 Number)		October 12, 2000 (Filing Date)	······································					
Application N	Number)		(Filing Date)	· · · · · ·					

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09/54 0.088	March 31, 2000	Pending
(Application Serial No.)	(Filing date)	(Status: patented, pending, abandoned)
(Application Serial No.)	(Filing date)	(Status: patented, pending, abandoned)
((Thing date)	(Status: paterned, pending, abandoned)
(Application Serial No.)	(Filing date)	(Status: patented, pending, abandoned)
(Application Serial No.)	(Filing date)	(Status: patented, pending, abandoned)
As a named inv Hamilton, Brook, Smith 9133, Customer No.	rentor, I hereby appoint the attorneys h & Reynolds, P.C., 530 Virginia F 21005,	and/or agents associated with Road, P.O. Box 9133, Concord, Massachusetts 01742-
and		
to prosecute this applicat	tion and to transact all business in the	Patent and Trademark Office connected therewith.
Please send correspo		, I atent and Tradeniark Office connected therewith.
_		
[X] Customer No.	530 Virginia Road P.O. Box 9133	SMITH & REYNOLDS, P.C.
or	Concord, MA 01742-91	33
[] Address as follow	ws:	
Direct telephone	calls to: Lisa M. Treannie, Esq.	Telephone No.: 978-341-0036
•	s to: Lisa M. Treannie, Esq.	
2 11000 12001111100	Lisa W. Freathire, Esq.	Facsimile No.: 978-341-0136
I harahu daal	that all statements made herein of m	1 11
that willful false statement 1001 of Title 18 of the Un application or any patent i	are believed to be true; and further the sand the like so made are punishable used States Code and that such willfussued thereon.	y own knowledge are true and that all statements made hat these statements were made with the knowledge le by fine or imprisonment, or both, under Section all false statements may jeopardize the validity of the
that willful false statement 1001 of Title 18 of the Un application or any patent i	are believed to be true; and further the sand the like so made are punishable ited States Code and that such willful.	hat these statements were made with the knowledge le by fine or imprisonment, or both, under Section all false statements may jeopardize the validity of the
that willful false statement 1001 of Title 18 of the Un application or any patent i	are believed to be true; and further the sand the like so made are punishable used States Code and that such willful issued thereon.	hat these statements were made with the knowledge le by fine or imprisonment, or both, under Section all false statements may jeopardize the validity of the
that willful false statement 1001 of Title 18 of the Un application or any patent i	are believed to be true; and further the sand the like so made are punishable uited States Code and that such willfussued thereon. Mario Abdennour	hat these statements were made with the knowledge. le by fine or imprisonment, or both, under Section ll false statements may jeopardize the validity of the
that willful false statement 1001 of Title 18 of the Un application or any patent in Full name of sole or first inventor	are believed to be true; and further the sand the like so made are punishable used States Code and that such willful issued thereon. Mario Abdennour	hat these statements were made with the knowledge e by fine or imprisonment, or both, under Section all false statements may jeopardize the validity of the
that willful false statement 1001 of Title 18 of the Un application or any patent i Full name of sole or first inventor Inventor's Signature Residence	are believed to be true; and further the sand the like so made are punishable ited States Code and that such willfussued thereon. Mario Abdennour 12 Kippy Drive	hat these statements were made with the knowledge by fine or imprisonment, or both, under Section all false statements may jeopardize the validity of the
that willful false statement 1001 of Title 18 of the Un application or any patent i Full name of sole or first inventor Inventor's Signature Residence	are believed to be true; and further to the sand the like so made are punishable used States Code and that such willful issued thereon. Mario Abdennour 12 Kippy Drive Newton, MA 02468	hat these statements were made with the knowledge. le by fine or imprisonment, or both, under Section ll false statements may jeopardize the validity of the

Full name of second join	t	
inventor, if any	Philip Stashenko	
_		Date
· ·		
	Medfield, MA 02052-1929	
	U.S.A.	
-	same as above	
Full name of third joint		
•	Michele Scrime	
,		
•	28 Princeton Drive	
	U.S.A.	
Mailing Address	same as above	
inventor, if any	Jack Gilad	
Inventor's Signature	160	
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Mario Abdennour, Philip Stashenko, Michele Scrime, Jack Gilad and J.

Max Goodson

Application No.:

09/963,880

Group:

3732

FILE COPY

Filed:

September 26, 2001

Examiner:

Not provided

Confirmation No.:

9204

For:

Characterization of an Antibiotic Impregnated Delivery System as an

Intracanal Medicament in Endodontic Therapy

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to Assistant Commissioner for Patents, P.O. Box 2327, Arlington, VA 22202

on 2/3/0

PAULA DEPETEMENT Typed or printed name of person signing certificate

REVOCATION OF POWERS OF ATTORNEY AND APPOINTMENT OF NEW ATTORNEYS AND/OR AGENTS

Assistant Commissioner for Patents P.O. Box 2327
Arlington, VA 22202

Sir:

Forsyth Dental Infirmary for Children, a Corporation duly organized under the laws of the Commonwealth of Massachusetts, is the assignee of the entire right, title and interest in the above-identified application. Forsyth Dental Infirmary for Children hereby appoints the following attorneys and/or agents associated with:

Customer No. 30623 Mintz, Levin, Cohn, Ferris, Glovsky and Popeo P.C. One Financial Center Boston, MA 02111

Attorney or Agent	Registration No.	Attorney or Agent	Registration No.
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Kevin Ainsworth	39,586	David E. Johnson	41,874
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Christopher J. Cuneo	42,450	A. Jason Mirabito	28,161
Brett N. Dorny	35,860	Michel Morency	50,183
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James F. Ewing	P-52,875	Matthew Pavao	50,572
Heidi A. Erlacher	45,409	Michael Renaud	44,299
Flora Feng	51,673	Robert J. Sayre	42,124
Eugene Feher	33,171	C. Eric Schulman	43,350
James G. Gatto	32,694	Gregory J. Sieczkiewicz	48,223
Richard Gervase	46,725	Eric Sinn	40,177
Matthew J. Golden	35,161	Thomas M. Sullivan	39,392
Sonia K. Guterman	44,729	Janine Susan	46,119
Melissa Handler	P-52,988	Howard Susser	33,556
Paul Hayes	28,307	Nicholas P. Triano III	36,397
Brian P. Hopkins	42,669		

to prosecute the above-identified application and any divisions or continuations thereof and to conduct all business in the United States Patent and Trademark Office. All previously granted Powers of Attorney are hereby revoked.

A Statement under 37 C.F.R. §3.73(b) is submitted herewith.

All correspondence should be sent to Ingrid A. Beattie, Mintz, Levin, Cohn, Ferris, Glovsky and Popeo P.C., One Financial Center, Boston, MA 02111. Please direct all telephone calls to Ingrid A. Beattie at (617) 348-1838, and all facsimile communications to (617) 542-2241.

Respectfully submitted,
Forsyth Dental Infirmary for Children

Title President & CEO

Date January 30, 2003



STATEMENT UNDER 37 C.F.R. § 3.73(b)

Applicants:	Mario Abdennour, Philip Stashenko, Michele Scrime, Jack Gilad and J. Max Goodson
Application N	o.: 09/963,880 Filed: September 26, 2001
For: Chara	ecterization of an Antibiotic Impregnated Delivery System as an Intracanal Medicament in Endodontic Therapy
	Forsyth Dental Infirmary for Children (Name of Assignee) , a corporation (Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)
states that it is	
A. [X]	the assignee of the entire right, title and interest in the patent application identified above; or
В. []	an assignee together with [] of the entire right, title and interest in the patent application identified above. A separate Statement under 37 CFR § 3.73(b) is being submitted.
The right, title	and interest of the above-named assignee in the patent application identified above is established by virtue of:
	signment from the inventors of the patent application identified above. The assignment was recorded in the Paterademark Office at Reel, Frames, or a copy thereof is attached.
OR	
B.[] A cha	in of title from the inventor(s) of the patent application identified above, to the current assignee as shown below:
1.	From: To: To: The document was recorded in the Patent and Trademark Office at
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2.	From:To:
	The document was recorded in the Patent and Trademark Office at Reel, Frame, or a copy thereof is attached.
3.	From: To: The document was recorded in the Patent and Trademark Office at
	Reel, Frame, or a copy thereof is attached.
[] A	dditional documents in the chain of title are listed on a supplemental sheet.
The undersigne	d (whose title is supplied below) is authorized to act on behalf of the assignee.
eate: '	1/30/03
	L. Pharo, Sc.D.
	ive Vice President
inc. <u>i.vecui</u>	Situat A Chu

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Serial No. TBA File No. 25669-014 CIP CON By: LAB/JMS
Title: CHARACTERIZATION OF AN ANTIBIOTIC IMPREGNATED
Application of Mario Abdennour et al. Date: March 29, 2004
The U.S. PTO Mail Room acknowledges receipt of the following on the date stamped hereon:
[] Req. for CPA under 37 CFR 1.53(d) [] Change of Attorney's Address [] New Power of Attorney [] Patent Application [] X Non-provisional [] Provisional Incl2D pages, (2 logs) Specification, (1 logs) Abstract, (3 logs) Claims (2D claims) [] Letter to Official Draftsperson [] Design Patent Application [] Declaration(s)COPYsigned_, 3 CCTPLS [] Notice of Appeal [] Drawings1O sheet(s) (FIGS1 - 10) Sieief (x3) S
[X] Other Revocation by Assignee and New Power of Attorney (copy, 11 pgs) 22856 U.S. PTO 10/812638
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